

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

STEVEN G. MILLETT,)	
MELODY J. MILLETT,)	
On Behalf Of Themselves and)	
All Others Similarly Situated,)	
)	
Plaintiffs,)	
)	
vs.)	Cause of Action No.: 04-2448-CM-GLR
)	
TRUELINK, INC.,)	
Defendant.)	

ORDER ON DEFENDANT’S MOTION TO TRANSFER

Pursuant to the “Applicable Law” provision of the contract entered into between the named plaintiffs and defendant, Delaware law applies to all claims brought in connection with the parties contract, and venue and jurisdiction of any action stating such claims should be in the state and federal courts of New Castle County, Delaware. This Court has authority to transfer this action to the United States District Court for the District of Delaware pursuant to 28 U.S.C. § 1406(a) and 28 U.S.C. § 1404(a). The parties agree that it would be appropriate for this Court to transfer venue to the United States District Court for the District of Delaware pursuant to either of these statutory provisions. Dismissal is not necessary. “Transfer should be the usual course rather than dismissal.” *U.S. v. Miller-Stauch Constr. Co., Inc.*, 904 F. Supp. 1209, 1214 (D. Kan.1995) (citing 15 Charles A. Wright, Arthur R. Miller & Edward H. Cooper, Federal Practice and Procedure § 3827 at 274 (1986)).

Therefore, this matter is ordered transferred to the United States District Court for the District of Delaware. Plaintiffs' counsel shall have 90 days from the date of this Order to obtain local counsel.

s/ Carlos Murguia

Carlos Murguia

U.S. District Judge

Dated: August 9, 2005

DRAFT ORDER SUBMITTED BY:

Barry R. Grissom #10866
7270 W. 98th Terrace
Building 7, Suite 220
Overland Park, KS 66212
(913) 341-6616
(913) 341-4780-Fax
bgrissom@sprintmail.com

YEAGER LAW FIRM, L.L.C.

By: s/ B. Joyce Yeager

B. Joyce Yeager
Kansas Bar No. 18932
7270 W. 98th Terrace
Building 7, Suite 220
Overland Park, KS 66212
(913) 648-6673
(913) 648-6921 Facsimile
jyeager@joyceyeagerlaw.com

ATTORNEYS FOR PLAINTIFFS

BAKER STERCHI COWEDEN & RICE, L.L.C.

James S. Kreamer
Elizabeth Raines
2400 Pershing Rd., Ste. 500
Kansas City, MO 64108-2533
kreamer@bscr-law.com

Strasburger & Price, L.L.C.

By: Amanda S. Lewis

Amanda Lewis
Paul Myers
2801 Network Blvd., #600
Frisco, TX 75034
(214) 651-4461
(469) 227-6567 Facsimile
amanda.lewis@strasburger.com
paul.meyers@strasburger.com

ATTORNEYS FOR DEFENDANT